1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOSE RAMOS, No. 2:22-cv-0004 TLN DB P 12 Plaintiff. 13 ORDER VACATING FINDINGS AND v. RECOMMENDATIONS 14 CALIFORNIA DEPT OF CORRECTIONS, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief 18 pursuant to 42 U.S.C. § 1983. This matter is before the undersigned pursuant to Local Rule 302 19 and 28 U.S.C. § 636(b)(1). 20 By order filed September 16, 2022, the court found plaintiff's complaint did not state a 21 claim and granted thirty days leave to file an amended complaint. On November 2, 2022, the 22 court granted plaintiff an additional 90 days in which to file an amended complaint. That time 23 expired, and plaintiff did not file an amended complaint or otherwise respond to the court's order. 24 On March 27, 2023, the undersigned recommended this action be dismissed without prejudice. 25 (ECF No. 15.) 26 In response to the findings and recommendations to dismiss this action without prejudice, 27 plaintiff has requested another opportunity to amend the complaint, stating he had trouble filing 28 1

1	previously because he received his mail late and kept getting moved around. (ECF Nos. 16, 17.
2	Finding good cause to do so, the undersigned will vacate the March 27, 2023 findings and
3	recommendations and grant plaintiff 30 days to file an amended complaint.
4	Good cause appearing, IT IS HEREBY ORDERED:
5	1. The findings and recommendations filed March 27, 2023 (ECF No. 15) are
6	VACATED.
7	2. Plaintiff's letter filed on May 3, 3023, construed as a motion for extension of time
8	(ECF No. 16) is GRANTED as set forth herein.
9	3. Plaintiff's letter filed on May 8, 2023, construed as a motion to amend the complaint
10	(ECF No. 17) is GRANTED as set forth herein.
11	4. Plaintiff is granted 30 days from the date of this order in which to file an amended
12	complaint.
13	DATED: June 12, 2023
14	DLB7
15	ramo0004.vacfrs DEBORAH BARNES UNITED STATES MAGISTRATE JUDGE
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